

RESOLUTION No. PB-2019-11

FLORENCE TOWNSHIP PLANNING BOARD

**RESOLUTION GRANTING THE APPLICATION OF
ESTATE OF DONALD COOPER/DONNA HOBSON, EXECUTRIX FOR
MINOR SUBDIVISION FOR PROPERTY LOCATED AT
899 OAK STREET, BLOCK 150, LOT 1.01**

WHEREAS on April 23, 2019, the Planning Board of the Township of Florence held a public hearing in connection with the application of the Estate of Donald Cooper, by Donna Hobson, Executrix (hereafter "Applicant") regarding the property located at 899 Oak Street and further known as Block 150, Lot 1.01 on the 2019 tax map;

WHEREAS, the Applicant has filed the present application seeking minor subdivision approval, specifically, subdividing Lot 1.01 to create a total of three (3) building lots thereon, all of which will front onto Oak Street, and which will be served by public water and public sewer;

WHEREAS, the Applicant was represented by Pat McAndrew, Esquire;

WHEREAS, the Applicant provided the following plans and supporting documentation prepared by Scott D. Brown, P.E., P.L.S. of Dante Guzzi Engineering Associates:

1. Plan of Survey & Topography of 899 Oak Street, Block 150, Lot 1.01, Sheet 1.01;
and
2. Minor Subdivision Plat of 899 Oak Street, Block 150, Lot 1.01, Sheet 1 of 1 dated April 3, 2019.

WHEREAS, the Board Engineer, Hugh J. Dougherty, PE, CME, reviewed the Applicant's plans and application and submitted a review letter dated April 16, 2019, and the Board's Planner, Barbara J. Fegley, AICP, PP, reviewed the Applicant's plans and supporting application and provided a report dated April 17, 2019;

WHEREAS, due notice was given by the Applicant in accordance with statute by publication and by certified mail to all property owners within 200 feet of the premises more than ten (10) days before the date of the hearing;

WHEREAS, Dante Guzzi, PE was present and, after being duly sworn in and qualified as an expert witness, provided testimony on behalf of the Applicant;

WHEREAS, Mr. Guzzi gave an overview of the application, identifying the property in question as a corner property at the intersection of Oak Street and Olive Street measuring point .937 acres; he described the application as an “infill” subdivision which would result in lots that are consistent in size and dimension with adjacent lots; he reviewed the bulk standards and noted that all three proposed lots would comply with the bulk requirements including lot area, lot width and lot depth; he noted that no variances were being requested with location of any proposed new structures that would require any setback or maximum lot coverage regulations;

WHEREAS, prior to considering the merits of the application, the Board deemed the application complete by agreeing to waive the following: any requirements related to this being a major subdivision so that this can remain as a minor subdivision application; the requirement to provide an Environmental Impact Statement (although the plans noted the presence of an oil tank on the property, since it was determined this oil tank was located in a basement, and since the existing septic system was being removed, a waiver was appropriate); and the requirement to show all structures and wooded areas within the tract and on adjoining properties within 100 feet (since the Applicant agreed to submit a revised plan to show the utility connections along with a general grading scheme, as well as providing a grading plan for each lot, and put notice in each

deed that grading on each lot must direct drainage towards Oak Street and Olive Street, and not toward the adjacent lots to the southwest);

WHEREAS, the Board's professionals, beginning with Hugh J. Dougherty, PE, CME testified regarding the contents of his report, noting testimony provided by the Applicant's witness which addressed concerns identified in his report and noted testimony provided by the Applicant's witness that addressed his concerns, especially as to drainage, and confirmed that the Applicant will agree to provide required improvements, including curbing, required per ordinance; Barbara J. Fegley, AICP, PP, then testified regarding the contents of her report noting some technical changes to the plans that were required, similarly noted testimony provide by the Applicant's witness that addressed concerns and requirements already discussed; and confirmed that the Applicant will agree to provide street trees and required per ordinance;

WHEREAS, the Chairman opened the meeting to the public for any questions or comments for or against the Application at which time the following individual came forward:

- Karen Babula, 845 Olive Street, asked questions regarding the lot sizes and whether any variances were required to permit the proposed lots (she was advised that no variances were being requested), she questioned who would be building on the proposed new lots (the Applicant advised there was no intended builder for each lot), she questioned whether any fencing could be installed as a condition (she was advised there was no municipal ordinance requiring fencing as a condition of a subdivision application, and since no variances were requested, there was no basis to condition approval of installation

of any fence), and she commented that she did not want to see three houses and did not want two story houses to be constructed;

There was no further public comment, at which point the public portion of the meeting was closed; and

WHEREAS, the Planning Board of the Township of Florence having heard the testimony of the witnesses, and considered the Application and all exhibits submitted in connection therewith, the Board finds as follows:

FINDINGS OF FACT

1. The Applicant is the owner of the property which is the subject of this application.
2. The Applicant has standing and the Board has jurisdiction to hear and decide this application.
3. The property is located within the RA Low Density Residential District Area.
4. The proposed lots will conform to all bulk requirements of the zoning ordinance.
5. The Board finds that the Application for minor subdivision approval is complete and in compliance with the procedural requirements of the local ordinance.
6. The Board finds that the Application meets the standards established by the Municipal Land Use Law for final approval subject to the conditions hereafter set forth

CONCLUSIONS OF LAW

1. The Florence Township Planning Board has jurisdiction over the within application for minor subdivision approval pursuant to the provisions of N.J.S.A. 40:55D-47 and N.J.S.A. 40:55D-51.
2. The Florence Township Planning Board is satisfied that the Applicant has demonstrated it is entitled to approval of the minor subdivision.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board for the Township of Florence hereby grants the Application of Estate of Donald Cooper, by Donna Hobson, Executrix for minor subdivision.

AND THE SAID APPROVAL is nevertheless subject to the following terms and conditions:

1. All taxes and professional review fees must be paid current and in full;
2. Applicant to posting of any required performance guarantee and inspection escrow;
3. Applicant to pay any applicable affordable housing fee as may be imposed by township ordinance;
4. Applicant to perfect the subdivision by deed;
5. Applicant to provide proposed subdivision deed, together with the legal descriptions for each new lot, for review prior to recording of the deeds;
6. The deed of subdivision and each initial deed of conveyance shall include notice that is was a condition of the approval that grading shall be directed towards Oak Street and Olive Street and not towards the adjacent lots to the southwest;
7. Municipal water and sewer connections shall be provided for each lot before issuance of building permits;
8. The plans will be revised to show the location of the utility connections and the overall grading scheme;
9. Subject to the provisions of the April 17, 2019 letter of the Township of Florence with regard to installation of municipal utility service;

10. Installation of street trees as required by Ordinance §91-82A;
11. Subject to required improvements identified in Ordinance Article XV as per the Board Engineer's recommendations, and to specifically include the installation of curbing along all road frontage;
12. Compliance with the Board Engineer's and the Board Planner's report;
13. Compliance with any and all municipal, county and state building regulations; and
14. The approval of any and all outside agencies having jurisdiction of the matter must be obtained.

BE IT FURTHER RESOLVED, that a brief notice of these decisions be published in the official newspaper of the municipality within 10 days of the date hereof.

The conditions of this approval shall run with the land and be binding on all successors in interest, purchasers and assignees. In the event that the applicant does not implement this approval within two years of the date hereof (or such other extended date as may be provided by statute of Board action), this approval shall be void, unless, for good cause shown, the applicant seeks extension thereof.

MOTION TO GRANT MINOR SUBDIVISION:

Moved by : Councilman Lovenduski
Seconded by : Mr. Morris
In Favor : Councilman Lovenduski, Mr. Morris, Mr. Montgomery, Mr. McCue
Mr. Pagano, Mayor Wilkie, Vice Chair Garganio

Opposed : None
Abstained : None
Absent : Chair Hamilton-Wood

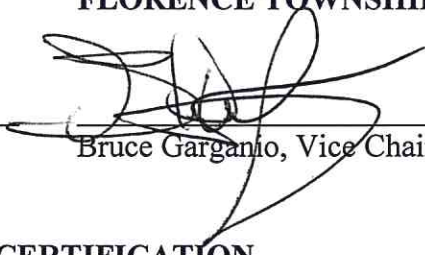
MOTION TO ADOPT RESOLUTION:

Moved by : Vice Chair Garganio
Seconded by : Mr. McCue
In Favor : Vice Chair Garganio, Mr. McCue, Mr. Morris, Mr. Mattson,
Councilman Lovenduski

Opposed : None
Abstained : Chair Hamilton-Wood
Absent : Mr. Pagano, Mayor Wilkie

FLORENCE TOWNSHIP PLANNING BOARD

Dated: 5/28/19

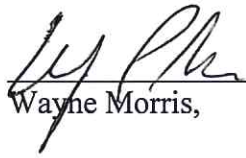


Bruce Garganio, Vice Chair

CERTIFICATION

BE IT REMEMBERED that the within written Resolution was duly adopted at a regular meeting of the Florence Township Planning Board held on May 28, 2019 and memorializes a decision taken by the Board on April 23, 2019.

Dated: 5/28/19



Wayne Morris,

Secretary